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PATENT APPLICATION
DOCKET NO.: DUK96-03pA3

GAU 18/12/97
22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan S. Stamler and Andrew J. Gow
Serial No.: 08/796,164 Group Art Unit: 1811
Filed: February 6, 1997
For: MODIFIED HEMOGLOBINS, INCLUDING NITROSYLHEMOGLOBINS, AND USES THEREFOR

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on 9/24/97 Anita Heckman
Date Signature

Anita Heckman

Typed or printed name of person signing certificate

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)

under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last)

under 37 CFR 1.97(c) together with either:

a Certification under 37 CFR 1.97(e), as checked below, or

a \$230.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

under 37 CFR 1.97(d) together with:

a Certification under 37 CFR 1.97(e), as checked below, and

a Petition under 37 CFR 1.97(d)(2), and

a \$130.00 petition fee set forth in 37 CFR 1.17(i).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Applicant requests that the attached IDS and cited reference(s) _____
be placed in the application filewrapper.
(Filed after payment of issue fee)

Certification Under 37 CFR 1.97(e)

[] Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

[] No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is form PTO-1449:

[] Copies of the cited references are enclosed.

[X] Copies of cited references are enclosed (AA, AO2, AP2, AW2, AR3 and AV3) except those entered in prior application, U.S. Serial No.08/616,371, and references that are not required to be submitted under 37 CFR 1.98.

[] The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

Concise Explanation Requirement (non-English references):

[] The "concise explanation" requirement for reference(s) _____ under 37 CFR 1.98(a)(3) is satisfied by:

[] the explanation provided on the attached sheet.

[] the explanation provided in the Specification.

[] submission of the enclosed International Search Report.

[] the enclosed English language abstract.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

[] Enclosed is a check in the amount of \$ _____.

[] Please charge Deposit Account 08-0380 in the amount of \$ _____.

[] Two duplicate copies of this Statement are enclosed.

[X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: September 24, 1997